

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TODD C. BANK, Individually and on  
Behalf of All Others Similarly Situated,

**Docket No.: 14- CV- 5312**

Plaintiff(s),

**J. Gleeson – M.J. Scanlon**

-against-

**AFFIDAVIT**

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION,

Defendant(s).

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**COMMONWEALTH OF MASSACHUSETTS )**  
**) : SS.:**  
**COUNTY OF ESSEX )**

**PAUL LAURINO**, being duly sworn deposes and says:

1) I am in-house legal counsel to the defendant, PHILIPS ELECTRONICS NORTH AMERICA CORPORATION (hereinafter “Philips”), and am familiar with the allegations of the complaint and Philips documents attached hereto. I have been employed by Phillips since August 2005 and I am knowledgeable of the company’s operational procedures and product lines. I have attached to this affidavit several exhibits, which are known personally to me and are documents maintained in the regular course of business by Philips.

2) Attached is the initial demand letter and draft-complaint sent to Philips on July 29, 2014 by Mr. Bank. (Exhibit “A”). I responded to Mr. Bank with an e-mail (attached as Exhibit “B”), on August 22, 2014. As set forth in the e-mail, the calls received by Banks were not made by Philips, or by an agent of Philips, or by anyone authorized by Philips; but instead, based on Mr. Bank’s own description of the calls, exhibit all the characteristics of calls that had been widely reported in the press and law enforcement releases as the work of a particular group of criminal scammers.

3) The hyperlinked articles, embedded within my August 22, 2014 e-mail, are attached hereto as Exhibit "C."

4) Documentary evidence with respect to Philips' efforts to put a stop to the fraudulent robocalls being made by unknown scammers is attached; specifically, a Philips e-mail dated April 30, 2013 from Brenda Vere to Erik Sande and Mark Rutherford enclosing a copy of a public relations release (text only) loaded to the MAMA<sup>1</sup> website regarding robocalling. The text of the press release and the e-mail is attached hereto as Exhibit "D."

5) Further documentary evidence in the form of Philips brochures aimed at spreading awareness about the dangers of robocalling scams, purporting to peddle PERS devices and services is attached as Exhibit "E."

6) Philips engaged a private investigator to attempt to root out and expose the source of the scams. Attached is an e-mail chain between Kroll & Associates (private investigators), and Philips with respect to the initial engagement and investigation (Exhibit "F"), and the final report issued by Kroll, summarizing the investigation (Exhibit "G").

7) Attached hereto as Exhibit "H" is the executive summary and briefing prepared in connection with a meeting between several Philips employees and Tim Langella from the Business Technology & Economic Development Division of the Massachusetts Attorney General's office to discuss the scams and how best to address the issue.

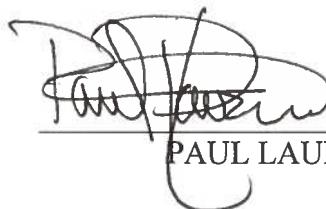
8) In addition to meeting with Mr. Langella, other efforts were made to collaborate with law enforcement. An internal Philips e-mail dated September 3, 2013, attached hereto as Exhibit "I," discussed gathering additional information for such purposes. Also attached to the e-mail was an excel spreadsheet containing hyperlinks to various state attorney general

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<sup>1</sup> MAMA stands for Medical Alert Monitoring Association. It is a group comprised of companies related to the PERS market and dedicated to advancing the industry and developing ethical industry-wide practices. At all times relevant hereto, Philips was a member of MAMA.

information releases concerning robocall scams. The hyperlinked spreadsheet (attached as Exhibit "J"), included a release from New York Attorney General Eric T. Schneiderman made public on May 23, 2013 (attached as Exhibit "K").

9. Annexed as Exhibit "L" is a bulletin of warnings issued by Philips to groups that are permitted to sell Lifeline products and services.



PAUL LAURINO, ESQ.

Sworn to before me on this  
18<sup>th</sup> day of February, 2015.



IRMA I. GOMEZ  
NOTARY PUBLIC



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<sup>1</sup> MAMA stands for Medical Alert Monitoring Association. It is a group comprised of companies related to the PERS market and dedicated to advancing the industry and developing ethical industry-wide practices. At all times relevant hereto, Philips was a member of MAMA.